

## REMARKS

Claims 1 to 17 are pending in the application.

### Claim Rejections - 35 U.S.C. 112

Claims 1-17 stand rejected under 35 U.S.C. 112, 1st paragraph, as failing to comply with the enablement requirement.

The Examiner states that the claims contain subject matter not disclosed in the specification so as to enable a person skilled in the art to make and/or use the invention. The Examiner questions how the handle 10 is interconnected to the push rod 9 and how the locking bar 4 is returned into the unlatched position.

In regard to the interconnection of the handle and the push rod, it is respectfully submitted that such configurations are well-known in the art and are not the subject matter of the present invention. For example, the cited reference US 3,953,061 shows how a rotary handle 71 can be interconnected to push rods 40 and move the push rods 40 into different positions. Other connections can be in the form of gears acting on a toothed rack mounted on the push rod. In any case, such interconnections are known to a person skilled in the art and not part of the invention.

In regard to the return of the locking bar 4, reference is being had to paragraph 0026 of the specification. It is set forth in this paragraph that the unlocking action is realized by reversing the movements of Figs. 3a to 3f and that the **unlocking driver member 38** then acts on the underside of the engagement bolt 19 of the locking element 4 and thereby effects a return pivot movement and unlocking of the locking bar 4 (the driver member 38 and the engagement bolt 19 are indicated in Figs. 3a, 3c, 3e).

Claims 1-17 stand rejected under 35 U.S.C. 112, 2nd paragraph, as being indefinite. The Examiner objects to the "or" phraseology in regard to window or door. The Examiner states that a window and a door are not the same and that applicant should make clear what is being claimed.

It is respectfully submitted that a window and a door are constructed in the same way, they are mounted on the same type of frame, and they are either hinged or can slide in order to open. For example, a sliding patio door is of the same construction as a sliding window, aside from being sized differently. A French door is constructed like a casement window. Lock mechanisms and actuators can be used both on doors and windows. A

manufacturer of windows usually offers doors as well. It is respectfully submitted that, even though they are not the **same**, doors and windows are so closely related that with regard to technical considerations a differentiation is meaningless.

As stated in paragraph 0002 of the specification, the claimed system is designed for use in folding devices (folding glass walls) - it is not important whether these folding devices are mounted floor to ceiling (door height) or mounted on a half wall (window height).

The claims have been revised to change "window or door frame" simply to "frame" as it is the same element that is being used no matter how tall the (door or window) wing mounted in the frame.

#### Rejection under 35 U.S.C. 102

Claims 1-17 stand rejected under 35 U.S.C. 102(b) as being anticipated by *Hansen et al. (US 3,953,061)*.

The Examiner argues that the prior art reference discloses a door 16 and a frame 18 as well as a locking device with push rod 40 and locking bar 84. The actuating element 90 acts on the locking bar 84. The plate portion on element 18 is considered the locking part. The handle 71 is connected to operate the locking device. A locking driving element 96 and an unlocking driving element 98 are provided as well as a locking case 48.

The handle 71 is connected by means of its square shaft 70 to the spindle bushing 66. The lock actuator plate 72 has an opening 74 in which the spindle bushing 66 with the square shaft 70 of the handle 71 is received so that a rotation of the handle 71 is transmitted by the shaft 70 and the bushing 66 onto the actuator plate 72. Please note that the "locking bar" 84 is part of the lock actuator plate 72; see col. 2, lines 59-62. This means that the rotation of the actuator plate 72 also rotates the unitary tongue section 84. The cam disk 90 is also mounted on the bushing 66 but is rotatable relative to the bushing 66. The lock actuator plate 72 has a post member 86 connected to the tongue section 84. The post member 86 is received in a cutout 94 with shoulders 96, 98 of the cam disk 90. The push rods 40 are connected to stud members 104 of the cam disk 90.

The operation of the lock device is disclosed in col. 3, lines 26ff. The locked position is shown in Figs. 1 and 4 and the unlocked position in Fig. 5. The rotation of the handle 71 causes the lock actuator plate 72 to rotate by 180 degrees relative to Fig. 4; the end

position is shown in Fig. 5. The rotation of plate 72 moves the post member 86 within the cutout 94 away from the shoulder 96 against the shoulder 98 (shown in dashed lines in Fig. 4) and upon further rotation of the plate 72 into the end position of Fig. 5. The cam disc 90 is rotated by the post member 86 from the position shown in Fig. 4 into the position shown in Fig. 5, i.e., the stud member 104 close to the shoulder 96 is moved by 90 degrees in the clockwise direction and pulls the rod 40 downwardly. At the same time, the rod 40 connected to the stud member 104 close to the shoulder 98 is pushed upwardly by the 90 degree rotation of the cam disc 90. This causes the latch bolts 34 to be withdrawn and the door can be opened. The push rods when moved do not actuate the locking bar. The locking bar instead actuates the push rods.

The present invention claims a wing arrangement having frame 5 and a wing of a door or a window secured in the frame 5 so as to allow opening and closing of the wing at an opening side 3 of the wing 1. A locking device is provided at the opening side and comprises at least one push rod 9 for locking the wing in the frame. The locking device further comprises at least one locking bar 4 and an actuating element 18 acting on the locking bar 4. The locking bar 4 and the actuating element 18 are supported on the wing frame. The locking bar 4 engages the frame 5 or a neighboring wing frame of a neighboring wing for locking the wing. The wing frame 1 has an open profile section 11 open to the opening side. The locking bar 4 is inserted into the open profile section 11 of the wing frame 1 at any desired location. The actuating element 18 is a driver mounted on the at least one push rod 9 in a matching position relative to the at least one locking bar 4, wherein the actuating element 18, when the at least one push rod 9 is moved, actuates the locking bar 4.

In contrast to the cited prior art reference, the locking bar 4 that engages a neighboring wing or the frame for locking the wing is actuated (locked or unlocked) by the actuating element 18 that is mounted on the push rod 9. When the push rod 9 is moved, the actuating element 18 actuates the locking bar 4. The push rod 9 is thus an actively participating element for locking and unlocking the locking bar 4. The prior art teaches that the actuator plate 72 including the "locking bar" 84 is directly acted upon by the handle 71. There is no push rod with an actuating element mounted thereon that acts on the locking bar when the push rod is moved. In the prior art, the "locking bar" 72, 84 rotates the

cam disc 90 and the rotation of the cam disk 90 causes the push rods to move. However, the push rods have no actuating element that acts in any way on the "locking bar" 72, 84. The "locking bar" 72, 84 is only actuated by the handle 71 for locking as well as unlocking the door.

Claim 1 is therefore not anticipated by the prior art reference. The prior art also does not provide any disclosure that would make the invention as claimed obvious. The push rods in now way can act in reverse on the "locking member" 72, 84 as the prior art configuration always initiates the movement of the "locking member" 72, 84 into the other end position first and this movement acts on the push rods for entrainment.

Reconsideration and withdrawal of the rejection of the claims 1-17 pursuant to 35 USC 102(b) are therefore respectfully requested.

#### CONCLUSION

In view of the foregoing, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited.

Should the Examiner have any further objections or suggestions, the undersigned would appreciate a phone call or e-mail from the examiner to discuss appropriate amendments to place the application into condition for allowance.

Authorization is herewith given to charge any fees or any shortages in any fees required during prosecution of this application and not paid by other means to Patent and Trademark Office deposit account 50-1199.

Respectfully submitted on January 19, 2005,

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